

## **FACILITIES**

### **Leasing and Community Use of Facilities**

#### **Booster Club- and PTA-Managed Fee-Based Classes, Clinics, Leagues, and Youth Summer Camps in Fairfax County Public Schools (FCPS) Facilities**

This regulation supersedes Regulation 8424.4.

### **I. PURPOSE**

To establish the procedures and guidelines for booster club and PTA after-hours and summer use of school facilities for management of fee-based activities. This regulation applies, for example, to classes, clinics, and camps for languages, computers, music and the arts, various sports, and other similar purposes. Athletic teams and league activities, regardless of management, shall be subject to Fairfax County Community and Recreation Services (CRS) rules and regulations applicable to the use of public athletic facilities. Activities for which no participant fees are charged are governed by the current version of Regulation 8420 and are subject to its priorities.

The FCPS Office of Adult and Community Education (ACE) and the Fairfax County Park Authority (PA) are also authorized to offer fee-based classes and activities in Fairfax County Public Schools (FCPS) facilities.

### **II. SUMMARY OF CHANGES SINCE LAST PUBLICATION**

- A. This regulation has been revised to include league play offered by our booster organizations.
- B. Section III.A. lists changes related to paperwork necessary for ACE FLEX language programs offered by the PTAs.
- C. Section III.C.2. clarifies that summer camps may operate until the first Friday in August.
- D. Section III.I. clarifies that fingerprinting must also be completed along with a background check for any non-FCPS, third party organization, including independent contractors.
- E. The attached application has been revised to provide additional information regarding the activity being offered.

### III. CONDITIONS

#### A. Application Procedures

A booster club or PTA proposing to manage an after-school activity for which students must pay a fee to participate shall submit the following to the school principal for recommendation to the Community Use Section:

- A booster club or PTA fee-based application (see attachment)
- A draft of promotional materials (except for ACE FLEX classes)

Only page 1 of the application is necessary for PTA fee-based classes including ACE FLEX classes. Camps, clinics, and leagues must submit all pages of the application packet. An invoice will be created if any personnel fees are necessary.

The attachment must be completed, signed by the booster club or PTA representative, reviewed by the principal, and forwarded to the Community Use Section. Completed applications will be processed within approximately 15 working days. Page five of the attachment summarizes the current version of Regulation 8420, which governs all use of school facilities.

#### B. Scheduling

To facilitate concurrent scheduling of fall semester ACE and PA classes and recreation scheduling, completed PTA or booster club applications should reach the Community Use Section by:

- July 1 for gymnasium, field, and outdoor use.
- September 15 for other facilities.

Applications for winter use should reach the Community Use Section by:

- September 15 for gymnasium use.
- January 15 for other facilities.

Applications for spring use should reach the Community Use Section by:

- January 15 for gymnasium, field, and outdoor use.
- February 1 for other facilities.

All summer camp applications must reach the Community Use Section by March 1. Applications received after the above dates may be accommodated if space is available.

C. Priority Time Periods

1. School Year

Weekdays between the end of the school day and 5 p.m. and weekends are available to booster clubs and PTAs for their provision of activities under this regulation. Any unscheduled time periods will be made available for use by ACE, CRS, and PA.

2. Summer Months

Summer camps may be scheduled as follows:

- High schools—after the close of the school year until the first Friday in August.
- Elementary and middle schools—after the close of the school year until two weeks before the opening of school.

Requests for exceptions to the above dates must be made to the Community Use Section.

D. Instructor- or Supervisor-to-Student Ratios

A maximum ratio of 25:1 between students and an instructor or supervisor shall be maintained.

E. Fee-Exempt Students

The managing organization shall give consideration to students with financial hardships.

F. Conflict of Interest

FCPS employees shall not be paid by organizations other than the School Board to conduct after-hours activities in FCPS facilities for students who are, or might reasonably be expected to be, their own students. (See the current versions of Policy 4430 and Regulation 4427.)

Contracted athletic coaches employed to work camps or clinics must comply with all Virginia High School League out-of-season guidelines. (See the current version of Policy 3860.)

G. Program Management Responsibilities

1. Camps, Classes, Clinics, and Leagues

The managing organization shall accept full responsibility for controlling and managing the activity, including purchasing, selling, accounting, paying all obligations, and complying with all federal, state, and local laws and ordinances, including child care regulations.

If a current FCPS employee is working the camp, class, clinic, or league, that employee must be paid through the FCPS human resources information system (HRIS). Rules governing payment of an FCPS employee are detailed in the current version of Regulation 5640.

If a non-FCPS employee is planning to work the class, clinic, or camp, that employee must be hired and processed by the Department of Human Resources so that he or she can be paid through the FCPS HRIS system.

Programs offered by an independent contractor as defined by the Internal Revenue Service (IRS) may be paid directly by the PTA or booster club; however, background checks and fingerprinting need to be completed on these individuals.

2. Camp, Clinic, and League Activities--Additional Responsibilities

- a. A detailed budget of planned revenues and expenses must be included with each application. Revisions in the budget that exceed ten percent of the gross income or expenses must be resubmitted for approval. Due to safety factors, facility limitations, etc., the coordinator, Community Use Section, may require multiple sessions and/or locations and submission of separate budgets.

The managing organization must receive and distribute all funds. All disbursement of funds must be by check from the managing organization. The managing organization may hire an individual, with payment not to exceed the amount reflected in the current version of Notice 8424, to handle the bookkeeping and administrative procedures involved with these programs. This effort must be independent of the activity operation, and the individual hired cannot be a relative, i.e., wife, husband, child, or parent of anyone instructing in the sponsored program. Under no circumstances may the director or other employees of the activity receive funds, sign checks or receipts for cash, or distribute funds.

Student attendance must be recorded on a daily basis, and these records must be retained for reconciliation purposes.

- b. A certified financial statement, signed by an official of the managing organization, must be submitted to the coordinator, Community Use Section, for review and comparison to the original budget within four weeks after the close of the activity. The managing organization is responsible for monitoring the activity.

In the event the procedures are not complied with as indicated above, the activity may be canceled. Future program approval by the Community Use Section will, to a degree, be based on past satisfactory performance.

- c. All student employees and counselors must be at least 16 years of age or be rising 11<sup>th</sup> graders.
- d. No employee may be employed more than one hour beyond the scheduled time for the activity. The salary to be paid to the director or other employees of the activity must not exceed the amount reflected in the current version of Notice 8424. Managing organizations may not subcontract the management of the activity to another party. The managing organization may pay the director up to a maximum amount, as set forth in current version of Notice 8424, per session for planning and organizing the activity. A session is recognized as approximately 60 hours of instructional time provided to participants. Managing organizations may engage the services of guest lecturers at rates higher than other employees, provided these rates do not exceed ten percent of the total fees collected for the activity, regardless of the number of guest lecturers.

#### H. Right to Audit

The School Board reserves the right to audit the managing organizations' financial and management records at any time, either by division internal audit personnel or by an outside auditor. This shall include all books of original entry, accounting, and other records and documents deemed relevant to verifying the accuracy of the financial statements and transactions related to the activities conducted in FCPS facilities.

#### I. Background Checks

Any adult (18 years of age or older) having contact with children shall be subject to the same background checks as those required for regular FCPS employees, including, but not limited to, the Employment Eligibility Verification form (I-9), fingerprinting, a name search of the sex offender registry, and tuberculin testing. Refer to current version of Regulation 4310, paragraph II.D. Employment Requirements and Background Checks.

Any non-FCPS, third party organization, including independent contractors, for which compensation is received is responsible for the cost of fingerprinting and background checks. At the request of FCPS, organizations must produce the criminal background check and fingerprinting documentation.

**J. Use of School-Owned Supplies**

If the managing organization uses school-owned supplies or equipment, it shall pay a use charge at the discretion of the principal. Funds for supplies (e.g., copy paper or toner) shall be retained at the local school and credited to the appropriate activity fund account. Equipment and supplies purchased by the managing organization become its property, and the managing organization shall be responsible for maintaining and storing such property. Alternatively, the property may be donated to FCPS.

**K. Promotional Material**

All promotional material must clearly identify the managing organization. FCPS shall not be an identified or implied sponsor without prior written approval. FCPS endorsement of commercial products or services shall not be permitted, whether directly or by implication.

**L. Indemnity Clause and Liability Coverage**

The managing organization shall agree to hold harmless and indemnify the Fairfax County School Board against any claim or loss, injury, or damage, including negligence by the user or by the user's employees or agents, including all participants. This indemnification includes any damage to property of Fairfax County Public Schools. Evidence of liability insurance coverage is required. FCPS strongly recommends that PTAs and booster clubs require proof of health, medical, or accident insurance from each participant.

**M. Conformance With Other Requirements**

The managing organization shall be accountable for monitoring class activities and for conforming to all applicable FCPS policies and regulations. An information sheet is included as part of the application packet to help applicants identify other requirements that may apply.

**N. Interpretation of Policies, Regulations, and Notices**

Questions regarding the interpretation and application of this regulation shall be referred to the coordinator, Community Use Section. Managing organizations not satisfied with the determination of the coordinator may expeditiously refer their concerns to the chief operating officer, Department of Facilities and Transportation Services, for resolution.

O. Information on Local and State Laws

The managing organization shall comply with all state and local laws and ordinances, including child care custodial standards, teacher ratio standards, and health standards. Information may be obtained from the Virginia Department of Licensing, telephone 703-934-1505, and the Fairfax County Health Department at 703-246-2435.

P. Additional Terms

Other specific terms and conditions are defined in the current version of Notice 8424.

Q. Custodial Fees

Custodial fees must be paid for opening the building when normal staffing is not scheduled and for required cleaning of the space used. Payments for custodial services must be in accordance with the current version of Notice 8420.

See also the current versions of: Policy 3860, Extracurricular Activities  
Regulation 4310, Authorization for and Conditions of  
Employment—Temporary Employees  
Regulation 4427, Nonschool Employment  
Policy 4430, Conflict of Interest—Employees  
Regulation 5640, Payment for Summer School, Curriculum  
Development, and Other Temporary Assignments  
Regulation 8420, Community Use of School Facilities  
Notice 8420, Community Use of Facilities—Fee Schedules  
and Other Information  
Notice 8424, Booster Club- and PTA-Managed Fee-Based  
Classes, Clinics, Leagues, and Youth Summer Camps in  
Fairfax County Public Schools (FCPS) Facilities

Attachments

**THIS APPLICATION IS TO BE USED IN COMPLIANCE WITH THE CURRENT VERSIONS OF REGULATION 8424 AND NOTICE 8424**

**APPLICATION FOR BOOSTER CLUB- or PTA-MANAGED CAMPS, CLASSES, CLINICS, AND LEAGUES**

Page one is for PTA-managed classes only. All pages are necessary for clinics, camps, and leagues; however, page 4 (copy of financial statement) is to be furnished to the coordinator, Community Use Section, within four weeks after close of each clinic, camp, or league session.

The activity has been approved by the booster club or PTA and will be under the club's or the PTA's direction. We have reviewed the current versions of Regulation 8424 and Notice 8424, agree to the requirements therein, and request your approval for this activity. The required information relating to this activity is presented below:

1. Name of booster club or PTA \_\_\_\_\_
2. Type of class, camp, clinic, or league \_\_\_\_\_
3. Date(s) of activity \_\_\_\_\_ No. of days \_\_\_\_\_
4. Daily times for activity \_\_\_\_\_ No. of hours per day \_\_\_\_\_
5. School to be used \_\_\_\_\_ Location: (i.e., gym, café, classroom, fields) \_\_\_\_\_
6. Estimated number of students \_\_\_\_\_ Student age or grade \_\_\_\_\_
7. Standard fee to be charged to each participant \_\_\_\_\_ (per hour) \_\_\_\_\_ (per session) Charges for supplies \_\_\_\_\_ (per student)
8. What type of instructor(s) are you using? (Please circle one of the choices below)  
Independent Contractor    Current FCPS Employee    Parent Volunteer    Instructor who Needs to Become an Employee
9. If using an independent contractor, please provide the name of the company: \_\_\_\_\_
10. Have background checks and fingerprinting been provided by independent contractors?    \_\_\_\_\_ Yes    \_\_\_\_\_ No  
If no, explain: \_\_\_\_\_
11. Name of insuring company with cost and coverage for liability: \_\_\_\_\_

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Booster Club or PTA Representative (**Please Print**) \_\_\_\_\_ Signature \_\_\_\_\_  
\_\_\_\_\_  
Phone Number \_\_\_\_\_ E-Mail \_\_\_\_\_ Date \_\_\_\_\_

Camp or Clinic or Class Director (**Please Print**) \_\_\_\_\_ Signature \_\_\_\_\_  
\_\_\_\_\_  
Phone Number \_\_\_\_\_ E-Mail \_\_\_\_\_ Date \_\_\_\_\_

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**Please circle one:**    **APPROVED**    **DISAPPROVED**    **Comments:** \_\_\_\_\_  
\_\_\_\_\_  
Principal \_\_\_\_\_ Date \_\_\_\_\_

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**Please circle one:**    **APPROVED**    **DISAPPROVED**    **Comments:** \_\_\_\_\_  
\_\_\_\_\_  
Coordinator, Community Use Section \_\_\_\_\_ Date \_\_\_\_\_

**CAMP, CLINIC, OR LEAGUE PROPOSED BUDGET\***

(Activity)	(Location)	(Inclusive Dates for Session)
(Managing Organization, PTA, or Booster Club)		Session ____ of ____ Session(s)

**ESTIMATED INCOME**

No. of Campers	x	Fees per Session	=	Total
	x		=	\$ <u>          </u>
	x		=	<u>          </u>
	x		=	<u>          </u>
Total Estimated Income				\$ <u>          </u>

**PROJECTED EXPENSES**

Staff Personnel	Other Expenses
Name                      Title                      Amount	Amount
	Equipment (attach list) \$ <u>          </u>
	Supplies <u>          </u>
	Printing <u>          </u>
	Awards <u>          </u>
	Postage <u>          </u>
	Custodian <u>          </u>
	Insurance <u>          </u>

Counselors (from page 3)                      \$           

Lecturers (from page 3)                      \$           

Total Personnel Expenses                      \$                                 Total Other Expenses                      \$           

Total Expenses ..... \$           

Projected Net Income..... \$           

Disposition of Net Income: \_\_\_\_\_

**COPY OF FINANCIAL STATEMENT (PAGE 4) IS TO BE FURNISHED TO THE COORDINATOR, COMMUNITY USE SECTION, WITHIN FOUR WEEKS AFTER THE CLOSE OF EACH SESSION.**

\*Attach a draft of all proposed promotional material related to the camp, clinic, or league.



**FINANCIAL STATEMENT**

This financial statement is to be submitted to the Community Use Section within four weeks after the completion of the session. Failure to do so may result in loss of use for the next camp, clinic, or league submitted for approval.

(Activity)	(Location)	(Inclusive Dates for Session)
(Managing Organization, PTA, or Booster Club)		Session _____ of _____ Session(s)

**INCOME**

Number of Participants	x	Fees per Session	=	Total
_____	x	_____	=	\$ _____
_____	x	_____	=	_____
_____	x	_____	=	_____
Subtotal				\$ _____
Less Refunds				\$ _____
<b>Total Income</b>				<b>\$ _____</b>

**EXPENDITURES**

Staff Personnel			Other Expenses		
Name	Title	Amount			Amount
		\$ _____	Equipment (attach list)	\$ _____	
			Supplies		
			Printing		
			Awards		
			Postage		
			Custodial Services		
			Insurance		
			Other (please specify)		
Counselors		\$ _____			
Guest Lecturer(s)		\$ _____			
<b>Total Personnel Expenses</b>		<b>\$ _____</b>	<b>Total Other Expenses</b>		<b>\$ _____</b>
<b>Sent to Financial Services:</b>			<b>Total Expenses</b>		<b>\$ _____</b>
<b>Check#</b> _____	<b>Date</b> _____		<b>Income</b>		<b>\$ _____</b>
(Attach copy of check & FS133)					

I certify that, to the best of my knowledge, the above is a true and accurate accounting for the activity. All obligations have been satisfied.

Name \_\_\_\_\_ Signature \_\_\_\_\_  
(PTA or Booster Representative-please print)

Phone \_\_\_\_\_ E-Mail \_\_\_\_\_

**ATTACH A COPY OF ALL PROMOTIONAL MATERIALS USED FOR THIS PROGRAM.**

**REGULATIONS GOVERNING USE OF SCHOOL FACILITIES**

Following is a list of requirements governing facilities use. All users shall:

1. Pay all fees ten working days in advance of use. Agree that a ten percent charge will be added to the fee total in the event the fees are not paid in advance of facility use. In the event the collection of fees must be referred to an attorney, the user agrees to pay attorney fees, deemed to be 25 percent of acknowledged fees.
2. Ensure that two-thirds of the participants shall be Fairfax County residents except when specific arrangements have been made.
3. Ensure that no unauthorized third party shall be granted permission to use the facility or any portion thereof without prior approval.
4. Ensure that participants shall not be restricted from participation for reasons of race, religion, sex, age (over 40), creed, national origin, or disability.
5. Ensure that the representative specified in the contract as responsible for school facilities is present at the scheduled event.
6. Ensure that prior approval is received before signs, banners, and pennants are erected and that they do not deface school property.
7. Provide required number of chaperons for children (one adult per 25 or less).
8. Ensure that the number of attendees does not exceed the authorized capacity of the facility.
9. Ensure that the vehicles of participants are parked only in areas designated for parking.
10. Ensure that usage and users are restricted to assigned areas.
11. Allow food and drink only in areas designated for eating and only after receiving written permission in advance of the event.
12. Guarantee that activities shall be orderly and lawful and not of a nature to incite others to disorder, and demonstrate on the application that reasonable security arrangements appropriate for the use have been provided for.
13. Prohibit smoking in buildings and within 40 feet of the building.
14. Ensure that alcoholic beverages are not served or consumed in buildings or on grounds.
15. Ensure that no gambling is permitted.
16. Ensure that animals are not permitted inside school buildings (except as in the case of a guide dog or service that is necessary to assist an individual with a disability) and that users shall clean any school grounds used by animals participating in scheduled events.
17. Observe contracted time limits.
18. Leave the building in a neat and orderly condition.
19. Ensure reimbursement for the cost of damages occurring during use.
20. Agree to hold harmless and indemnify the Fairfax County School Board with respect to any claim of loss, injury, or damage because of negligence of the user or user's employees or agents including damage to School Board property for which the School Board is liable. (An insurance policy for such coverage is recommended and may be required).
21. Comply with safety regulations and policies of the Fairfax County School Board and the Fairfax County Fire Department. (Every applicant should read Regulations 7350P and 7352 before using buildings or grounds, with special attention directed to the regulations regarding cafeteria tables and smoking).
22. Comply with all federal, state, and local laws, regulations, and licensing requirements, including but not limited to the Americans With Disabilities Act, and agree to hold harmless and indemnify the Fairfax County School Board with respect to any claim, loss, injury, or damage because of a violation of such laws.